

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

COQUI TECHNOLOGIES, LLC,

Plaintiff,

v.

GYFT, INC.,

Defendant.

Civil Action No. 2:16-cv-1194-RWS

JURY TRIAL DEMANDED

**PLAINTIFF COQUI TECHNOLOGIES, LLC'S ANSWER
TO DEFENDANT GYFT, INC.'S COUNTERCLAIMS**

Plaintiff Coqui Technologies, LLC (“Plaintiff”), answers the Counterclaims of Defendant Gyft, Inc. (“Defendant”) filed March 1, 2017 (Dkt. No. 20). Plaintiff answers the Counterclaims of Defendant by corresponding paragraph number as follows:

COUNTERCLAIMS

THE PARTIES

1. Admitted.

2. Admitted.

JURISDICTION AND VENUE

3. Plaintiff admits that these Counterclaims purport to arise under the Patent Laws of the United States, 35 U.S.C. §§ 1 *et seq.*, for a declaratory judgment pursuant to 28 U.S.C. §§ 2201-02. Except as so admitted, the remaining allegations in paragraph 3 are denied.

4. Plaintiff admits that this Court has subject matter jurisdiction over Plaintiff's claims against Defendant under, without limitation U.S.C. §§ 1331, 1338(a), 2201, and 2202. Except as so admitted, the remaining allegations in paragraph 2 are denied.

5. Admitted.

6. Plaintiff admits that venue is proper in regards to Defendant's infringement of U.S. Patent No. 7,580,864 (the "'864 Patent"). Except as so admitted, the remaining allegations of paragraph 6 are denied.

FACTUAL BACKGROUND

7. Admitted.

8. Denied.

9. Plaintiff admits that an actual case or controversy exists between the parties as to Defendant's infringement of the '864 Patent. Except as so admitted, the remaining allegations in paragraph 9 are denied.

COUNT ONE

Declaratory Judgment of Non-Infringement of U.S. Patent No. 7,580,864

10. Plaintiff incorporates by reference the allegations set forth in the preceding paragraphs of these Answers to Defendant's Counterclaims in their entirety as if set forth herein.

11. Plaintiff admits that an actual case or controversy exists concerning Defendant's infringement of the '864 Patent. Except as so admitted, the remaining allegations in paragraph 11 are denied.

12. Denied.

13. Denied.

COUNT TWO

Declaratory Judgment of Invalidity of U.S. Patent No. 7,580,864

14. Plaintiff incorporates by reference the allegations set forth in the preceding paragraphs of these Answers to Defendant's Counterclaims in their entirety as if set forth herein.

15. Plaintiff admits that an actual case or controversy exists concerning Defendant's infringement of the '864 Patent. Except as so admitted, the remaining allegations in paragraph 15 are denied.

16. Denied.

17. Denied.

PRAYER FOR RELIEF

Defendant's Prayer for Relief is an averment to which no responsive pleading is required pursuant to FED. R. CIV. P. 8 and is therefore denied.

DEMAND FOR JURY TRIAL

Defendant's Demand for Jury Trial is an averment to which no responsive pleading is required pursuant to FED. R. CIV. P. 8 and is therefore denied.

DATED March 22, 2017.

Respectfully submitted,

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**ATTORNEYS FOR PLAINTIFF
COQUI TECHNOLOGIES, LLC**

CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of March, 2017, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Eastern District of Texas, Marshall Division, using the electronic case filing system of the court. The electronic case filing system sent a "Notice of Electronic Filing" to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ Timothy Wang

Timothy Wang